

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In Re: ASBESTOS PRODUCTS
LIABILITY LITIGATION (No. VI)

FILED

NOV 28 2012

Civil Action No:
MDL 875

This Document Relates to the

Cases Identified on the Attached Case List

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

12-60003

ORDER

AND NOW, this 27th day of November, 2012, upon consideration of Owens-Illinois, Inc.'s Motion[s] to Strike and Preclude" filed in the cases on the attached list (see 08-89984 Doc. 152, 08-92136 Doc. 170, 09-60286 Doc. 149, 09-60293 Doc. 112, 10-67785 Doc. 121, 11-64036 Doc. 67, 12-60003 Doc. 101), and the responses (see 08-89984 Doc. 158, 09-60286 Doc. 156, 09-60293 Doc. 122, 10-67785 Doc. 131, 11-64036 Doc. 73, 12-60003 Doc. 110), it is hereby **ORDERED** that, pursuant to our Memorandum and Order in Ferguson v. A.C. & S., Inc., 08-90234 Docs. 94 & 95,

1. all related motions for joinder are **GRANTED**; and
2. the motions to strike are **GRANTED in part** and **DENIED in part** as follows:
 - a. **Akey 09-60286 Doc. 149**

In this case, Owen-Illinois (OI) seeks to strike (a) "Plaintiff's First Response to Standard Interrogatories", (b) "Plaintiff's First Signed Response to Standard Interrogatories - 8/14/12", and (c) "Plaintiff's Response to Defendant Owens-Illinois Inc.'s Interrogatories and Request for Production of Documents." (09-60286 Doc. 149, Exs. C-E). Discovery closed in this case on August 24, 2012. "Plaintiff's First Response to Standard Interrogatories" is struck as it is unverified. "Plaintiff's First Signed Response to Standard Interrogatories - 8/14/12" and "Plaintiff's Response to Defendant Owens-Illinois Inc.'s Interrogatories and Request for Production of

Documents” are partially verified as to “answers that are not statements or objections of plaintiff’s attorney.” We will not strike any interrogatory answers which have been verified. However, in light of the limited verification, any interrogatory answers (as opposed to objections) which are clearly provided by counsel are struck as unverified. Thus, we strike the answers to interrogatories 6, 8-10, the portions of 19 which are preceded by “Plaintiff’s attorneys make the following statement”, 20, 21, 26-31, 32(a)-(c), and 33-36 in “Plaintiff’s First Signed Response to Standard Interrogatories - 8/14/12” and interrogatory answers 1-6, 8, and 10-14 in “Plaintiff’s Response to Defendant Owens-Illinois Inc.’s Interrogatories and Request for Production of Documents.”

b. Brigham 08-89984 Doc. 152

In this case, OI seeks to strike (a) “Plaintiff’s First Response to Standard Interrogatories - 8/17/2012”, (b) “Plaintiff’s Supplemental Signed Response to Standard Interrogatories - 9/13/12” and (c) “Plaintiff’s Supplemental Signed Response to Standard Interrogatories - 9/25/12” (08-89984 Doc. 152, Exs. B-D). Discovery closed in this case on October 1, 2012. All three response sets are partially verified as to “answers that are not statements or objections of plaintiff’s attorney.” We will not strike any interrogatory answers which have been verified. However, in light of the limited verification, any interrogatory answers (as opposed to objections) which are clearly provided by counsel are struck as unverified. Thus, we strike interrogatory responses 6, 8-10, 17, the last paragraph of 19, 21, 26-31, 32(a)-(c), and 33-36 of “Plaintiff’s First Response to Standard Interrogatories - 8/17/2012”, responses 6, 8-10, 17, all of 19 except the eighth paragraph beginning with “I worked as a valve insulator at Corn Products”, 21, 26-31, 32(a)-(c), and 33-36 of “Plaintiff’s Supplemental Signed Response to Standard Interrogatories - 9/13/12”, and responses 6, 8-10, 17, 19, 21, 26-31, 32(a)-(c), and 33-36 of “Plaintiff’s Supplemental

Signed Response to Standard Interrogatories - 9/25/12.”

c. Conway 10-67785 Doc. 121

In this case, OI seeks to strike (a) “Plaintiff’s First Response to Standard Interrogatories”; (b) “Plaintiff’s First Signed Response to Standard Interrogatories - 8/15/12”; (c) a second response set entitled “Plaintiff’s First Signed Response to Standard Interrogatories - 8/15/12” which was served on August 27, 2012; and (d) “Plaintiff’s Response to Defendant Owens-Illinois Inc.’s Interrogatories and Request for Production of Documents.” (10-67785 Doc. 121, Exhs. B-E). Discovery closed on August 24, 2012. “Plaintiff’s First Response to Standard Interrogatories” and the first response entitled “Plaintiff’s First Signed Response to Standard Interrogatories - 8/15/12” are struck as unverified. The remaining two sets of interrogatory responses are partially verified as to “answers that are not statements or objections of plaintiff’s attorney.” We will not strike any interrogatory answers which have been verified. However, in light of the limited verification, any interrogatory answers (as opposed to objections) which are clearly provided by counsel are struck as unverified. Thus, we strike interrogatory responses 6, 8-10, 17, 21, 26-31, 32(a)-(c), and 33-36 of the second response set entitled “Plaintiff’s First Signed Response to Standard Interrogatories - 8/15/12” and interrogatory responses 1-6 and 8-14 of “Plaintiff’s Response to Defendant Owens-Illinois Inc.’s Interrogatories and Request for Production of Documents.”

d. Jurganis 12-60003 Doc. 101

In this case, OI seeks to strike “Plaintiff’s First Signed Response to Standard Interrogatories - 9/28/12” which was serve on October 1, 2012. (12-60003 Doc. 101, Exh. E). Fact discovery closed on October 1, 2012. This interrogatory response set is partially verified as to “answers that are not statements or objections of plaintiff’s attorney.” We will not strike any

interrogatory answers which have been verified. However, in light of the limited verification, any interrogatory answers (as opposed to objections) which are clearly provided by counsel are struck as unverified. Thus, we strike interrogatory responses 6, 8-10, 17, 19, 21, 26-31, 32(a)-(c), and 33-36.

e. **Reno 09-60293 Doc. 112**

In this case, OI seeks to strike (a) "Plaintiff's First Response to Standard Interrogatories"(b) "Plaintiffs First Response to Standard Interrogatories- August 9, 2012", and (c) "Plaintiff's Supplemental Response to Standard Interrogatories - August 15, 2012." (09-60293 Doc. 112, Exhs. D-F). Fact discovery closed on August 24, 2012. "Plaintiff's First Response to Standard Interrogatories" and "Plaintiff's Supplemental Response to Standard Interrogatories - August 15, 2012" are unverified and, thus, are struck. "Plaintiffs First Response to Standard Interrogatories- August 9, 2012" is partially verified as to "answers that are not statements or objections of plaintiff's attorney." We will not strike any interrogatory answers which have been verified. However, in light of the limited verification, any interrogatory answers (as opposed to objections) which are clearly provided by counsel are struck as unverified. Thus, we strike interrogatory responses 6, 8-10, 21, 26-31, 32(a)-(b), and 33-34.

f. **Svatek 11-64036 Doc. 67**

In this case, OI seeks to strike "Plaintiff's First Response to Standard Interrogatories." (11-64036 Doc. 67, Exh. C). Fact discovery closed on October 1, 2012. Because these interrogatory answers are unverified, they are struck.

g. Walker 08-92136 Doc. 170

In this case, OI seeks to strike (a) “Plaintiff’s First Response to Standard Interrogatories”, (b) “Plaintiffs Verified Response to Standard Interrogatories - 11/22/2011”, (c) “Plaintiff’s Supplemental Signed Response to Standard Interrogatories - 7/24/2012” which were served on August 14, 2012, and (d) “Plaintiff’s Response to Defendant Owens-Illinois Inc.’s Interrogatories and Request for Production of Documents.” (08-92136 Doc. 170, Exhs. C-F). Fact discovery closed on August 24, 2012. “Plaintiff’s First Response to Standard Interrogatories” is unverified and, thus, is struck. “Plaintiffs Verified Response to Standard Interrogatories - 11/22/2011” is fully verified, thus, it will not be struck. The remaining two response sets are partially verified as to “answers that are not statements or objections of plaintiff’s attorney.” We will not strike any interrogatory answers which have been verified. However, in light of the limited verification, any interrogatory answers (as opposed to objections) which are clearly provided by counsel are struck as unverified. Thus, we strike interrogatory responses 6, 8-10, all of 16 except for the July 24, 2012 supplement to subsections (a) through (d), 17, 19, all but the first sentence of 20, 26-31, 32(a)-(c), and 33-36 in “Plaintiff’s Supplemental Signed Response to Standard Interrogatories - 7/24/2012” and responses 1-6, and 8-14 of “Plaintiff’s Response to Defendant Owens-Illinois Inc.’s Interrogatories and Request for Production of Documents.”

BY THE COURT:

/s/ David R. Strawbridge
DAVID R. STRAWBRIDGE
UNITED STATES MAGISTRATE JUDGE

CASE LIST

Conway, 10-67785 Doc. 121

Brigham, 08-89984 Doc. 152

Jurglanis, 12-60003 Doc. 101

Akey, 09-60286 Doc. 149

Reno, 09-60293 Doc. 112

Walker, 08-92136 Doc. 170

Svatek, 11-64036 Doc. 67
